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Defining the Rights of Children

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Following is an address by Christopher H. Smith, U.S. Alternate Representative to the UN General Assembly, before the Third Committee, New York City, November 10, 1989.

After 10 years of constructive dialogue, seemingly endless consultations, and finally an agreement, the Commission on Human Rights has presented the Convention on the Rights of the Child to the UN General Assembly for adoption. The United States participated actively in the drafting of the convention. We believe that it represents a notable step forward in the needed promotion and protection of the rights of children. Although the convention is far from perfect—no agreement ever is—the United States strongly believes in the enumerated commitments and goals of the convention, and it is our hope that the General Assembly will adopt the text without change.

The Government of Poland deserves much of the credit for the conclusion of this convention. The version we have before us today represents many years of debate and revisions to the Government of Poland's first draft; but if it were not for that initial effort over 10 years ago, we might not be considering adoption of a Convention on the Rights of the Child during the 44th session of the General Assembly. We must also make special mention of Professor Adam Lopatka of Poland, who served with distinction as chairman of the working group established to draft the convention.

The United States also recognizes the valuable contribution made by many nongovernmental organizations during the drafting process. The promotion of human rights standards inevitably creates a certain tension between what might be best in an ideal world and what governments are prepared to accept today. Although in the end it is governments that are bound to uphold human rights standards, the participation of nongovernmental organizations in the drafting of these conventions—and in the United Nations generally—serves to push us to higher standards over and above our parochial interests. In addition, it prevents us from being content to settle for the lowest common denominator.

The Convention on the Rights of the Child grapples with many difficult issues and rests on several hard-fought compromises. A number of these compromises were necessitated by the differing cultural, legal, and religious views of the unique relationship between the rights of the child, the rights and responsibilities of parents, and the state's obligations of legal and moral protection. Other concessions were necessary on other matters. My government, like many others, is not completely satisfied with some of these compromises. But because we recognize the importance and desirability of adopting the convention without further delay, we do not wish to reopen negotiation on any part of the text.

For the record, I would like to make a brief statement of my government's views on several aspects of the convention.

Protection of the Unborn

The United States fully supports the inclusion within the preamble of the convention language from the 1959 Declaration of the Rights of the Child confirming that "the child,

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by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

Children—born and unborn—are precious and extremely vulnerable. Governments have a duty and sacred obligation to protect these children to the maximum extent possible.

Birth is an event which happens to each of us. The most tender, formative 9 months prior to this great event will forecast the healthiness of the child after birth. One of the most positive protections for a healthy childhood—after life itself—is proper prenatal care.

We in the United States are just now fully recognizing the positive effects of basic maternal and prenatal care. This does not demand elaborate, expensive medical facilities; the basics cost little but are extremely effective. For instance, sound nutritional education and tetanus toxoid inoculation for mothers produce resounding positive effects. Neonatal tetanus is the single most important identifiable cause of infant mortality in the developing world. This threat can be wiped out if the child inherits the benefits of his or her mother's tetanus inoculation.

The U.S. Agency for International Development has launched a new project for maternal and neonatal health and nutrition in developing countries. Comprehensive research and experience, domestically and internationally—through organizations such as the World Health Organization—have proven that proper prenatal and neonatal care spell the difference between a healthy or health-threatened mother, and between a strong or vulnerable child. Healthy babies, right from the start, will help provide brighter futures for all of our children, who represent our own future and our legacy for the next generation.

Religious Rights and Freedom of Conscience

My government concurs fully and is pleased that the convention reaffirms "the right of the child to freedom of thought, conscience and religion." The international community has long agreed that all people, including children, must be guaranteed religious rights. As early as 1948, when the General Assembly adopted the Universal Declaration of Human Rights (the one document which was deposited with the UN Charter in the cornerstone of this building), the General Assembly declared that "Everyone"—and I wish to emphasize the word everyone—"has the right to freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance" (Article 18).

Although parents or guardians must, of course, offer guidance and assist young children in the exercise of their right to freedom of conscience, we must recognize that this inherent and inalienable right of religious freedom is a precious right of each individual, including children. If possible, the United States would have wished for a stronger reaffirmation of this in the convention.

In particular, we would have liked to specify that children continue to have such supplementary rights as the freedom to have or to change a religion, the right to worship according to their beliefs alone or with others, and the right to teach, learn, and practice their religion in public and in private. The Universal Declaration of Human Rights and other international instruments include references to such supplementary rights, and the United States continues to believe that they apply to everyone, including children.

Funding

The United States firmly believes that the costs of the Committee on the Rights of the Child that will be established by the convention should be borne exclusively by the states that ratify the convention. In our view, the committee established by the convention is not a UN body, but an instrument of the states parties to the convention. Only those states may nominate and elect members of the committee; only those states submit reports to it. Moreover, the convention will enter into force when only 20 states have ratified it. We believe that it would be inappropriate for the entire membership of the United Nations to bear the expenses of a body created to serve so small a number of states, at least initially.

In any event, UN financing is no guarantee of full financing for committees such as this one. In times of budgetary constraint, the members of the United Nations can and very well may decide which functions the committee will have to forgo. The United States believes that state-party financing is more likely to preserve the independence of the Committee on the Rights of the Child, for that financing method would give the committee complete power to decide how to use its funds.

Key Elements of U.S. Policy

The current draft of the Convention on the Rights of the Child addresses many of the social concerns facing the children of the world. I would like to highlight a number of the key elements that the U.S. Government supports.

Family Reunification. We are particularly concerned about the reunification of families so that children and parents can live together. Families have been torn apart by wars, restrictive borders, and indiscriminate limits on emigration rights. This disruption in cohesive family ties is especially detrimental to the lives of children, who are generally the ones who suffer the most from forced separations. The convention obligates the states parties

to address reunification applications by children or their parents "in a positive, humane and expeditious manner." This is an easily obtainable goal, and governments should not have difficulty in doing this.

Abuse and Neglect. The prevention of physical and mental abuse against children demands constant vigilance, a moral and ethical consciousness throughout our society—from government agencies to churches, synagogues, and mosques, to local community awareness efforts, to neighbors and families. The scourge of child abuse—whether physical or sexual abuse, whether negligence, neglect, or other forms of exploitation—is all too prevalent throughout the world. Governments must be committed to providing legal and administrative protection to children, as well as supporting social and educational programs that help prevent this gross scourge which has infected many of our communities.

Adoption. With the strong and active encouragement of President Bush, the U.S. Government has promoted the adoption of children by loving and caring families. Through legal safeguards and constructive adopting agencies, governments can help ensure that eligible children or orphaned children enjoy the love and nurture of a family. As an example of how a government can promote adoption, President Bush is scheduled to sign into law a bill which will designate the last week of this month as "National Adoption Week" in the United States.

This initiative of the Congress and the President of the United States will help bring attention to the rewards of adoption, both for children and for parents. A specific commemorative week will help promote legal adoption, and it will call special attention to the needs of children with mental and physical handicaps who do not have a family to care for their special requirements. This brings to mind Article 23 of the convention, which deals with disabled children.

Disabled Children. The United States is keenly aware of the special needs of mentally or physically disabled children, and we fully support the convention's call for a "full and decent life" for these children.

The world has come a long way from the days when the handicapped were locked away far from the support base of their family and the loving care of those who are able to help rehabilitate, train, and educate these children with special needs. Recognition of the rights of the handicapped has been slow. We hope that there will be a strong commitment to this particular goal in helping ensure that children with special needs receive proper guidance, so that they may "achieve the fullest possible social integration and individual development."

Conclusion

As I made clear at the outset, the United States is satisfied that the working group which drafted the Convention on the Rights of the Child made such progress and achieved consensus on all substantive issues. We sincerely hope that the General Assembly will adopt the convention without a vote and without changing any of the text.

The United States does believe, however, that we must view the convention in a sober, realistic light. It is not a perfect document, and its entry into force will not solve all problems and all threats for all children. Only by recognizing this can the international community work together to make the best possible use of the convention. Necessary protection for our societies' vulnerable and helpless will, ultimately, have to be demanded by the moral commitment of men and women throughout the world and will have to be guaranteed by member states.

To borrow from the teachings recorded in the Book of Luke, "he who is the least among you all—he is the greatest." Our children are the greatest hope among our generation. They deserve our protection, our loving care, and the opportunity to achieve their best with their talents. The adoption of the Convention on the Rights of the Child will serve as a starting point—a launching pad—for improving the status and situation of all children of all nationalities, creeds, and social status. ■

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